

# Sentencing.us

A free U.S. Federal Sentencing Guidelines calculator

Months:

**210-262**

Zone:

**D**

Level:

**37**

History:

**I**

Fine:

**\$20,000 to  
\$200,000**

## Count 1: 18 U.S.C. § 2251(a),(b)

2G2.1(a)	Base Offense Level	32
2G2.1(b)(1)(A)	offense involved a minor who had not attained the age of twelve years	+4
2G2.1(b)(5)	defendant was a parent, relative, or legal guardian of the minor involved in the offense, or if the minor was otherwise in the custody, care, or supervisory control of the defendant	+2
	Total offense level for this count	38

## Count 2: 18 U.S.C. § 2252

2G2.2(a)(2)	Base Offense Level	22
2G2.2(b)(2)	the material involved a prepubescent minor or a minor who had not attained the age of 12 years	+2
2G2.2(b)(3)(F)	distribution other than distribution described in subdivisions (A) through (E)	+2
2G2.2(b)(4)	the offense involved material that portrays (A) sadistic or masochistic conduct or other depictions of violence; or (B) sexual abuse or exploitation of an infant or toddler	+4
2G2.2(b)(6)	the offense involved the use of a computer or an interactive computer service for the possession, transmission, receipt, or distribution of the material, or for accessing with intent to view the material	+2
2G2.2(b)(7)(A)	120 images	+2
	Total offense level for this count	34

## Multiple Counts (Chapter 3D)

§ 3D1.1(a)(1)	Counts grouped as follows: Group 1 is Count 1 (18 U.S.C. § 2251(a),(b)). Group 2 is Count 2 (18 U.S.C. § 2252).
§ 3D1.1(a)(2) & 3D1.3	Offense levels applicable for each group: Group 1: 38; Group 2: 34. Highest offense level: 38

§ 3D1.1(a)(3) Total units: 2 units, increase of 2. Breakdown: Group 1: 1 unit; +40  
Group 2: 1 unit

## Acceptance of Responsibility (U.S.S.G. § 3E1.1)

§ 3E1.1(a) the defendant clearly demonstrates acceptance of responsibility -2  
for his offense

§ 3E1.1(b) Government motion -1

## Criminal History (Chapter 4A)

§ 4A1.1 Criminal history level: I (0 or 1 points)

Total points (Criminal History category I)

Count 1: 18 U.S.C. § 2251(a),(b)

What is the offense of conviction?

18 U.S.C. § 2251(b) OK (or, Child pornography )

Please be more specific?

18 U.S.C. § 2251(a),(b)

Applying § 2G2.1 (Sexually Exploiting a Minor by Production of Sexually Explicit Visual or Printed Material; Custodian Permitting Minor to Engage in Sexually Explicit Conduct; Advertisement for Minors to Engage in Production)

Offense involved a minor who had not attained the age of twelve years?

☒ Yes

Offense involved the commission of a sexual act and conduct described in 18 U.S.C. § 2241(a) or (b)?

☐ Yes

Offense involved the commission of a sexual act or sexual contact?

☐ Yes

Defendant knowingly engaged in distribution?

☐ Yes

Offense involved material that portrays (A) sadistic or masochistic conduct or other depictions of violence; or (B) an infant or toddler?

☐ Yes

Defendant was a parent, relative, or legal guardian of the minor involved in the offense, or if the minor was otherwise in the custody, care, or supervisory control of the defendant?

☒ Yes

For the purpose of producing sexually explicit material, the offense involved (A) the knowing misrepresentation of a participant's identity to persuade, induce, entice, coerce, or facilitate the travel of, a minor to engage sexually explicit conduct; or (B) the use of a computer or an interactive computer service to (i) persuade, induce, entice, coerce, or facilitate the travel of, a minor to engage in sexually

explicit conduct, or to otherwise solicit participation by a minor in such conduct; or (ii) solicit participation with a minor in sexually explicit conduct?

☐ Yes

The victim was killed in circumstances that would constitute murder under 18 U.S.C. § 1111 had such killing taken place within the territorial or maritime jurisdiction of the United States?

☐ Yes


## Adjustments as appropriate related to victim, role, and obstruction of justice

Which adjustment guidelines might apply to this count?

- ☐ § 3A1.1 (Hate Crime Motivation or Vulnerable Victim)
- ☐ § 3A1.2 (Official Victim)
- ☐ § 3A1.3 (Restraint of Victim)
- ☐ § 3A1.4 (Terrorism)
- ☐ § 3A1.5 (Serious Human Rights Offense)
- ☐ § 3B1.1 (Aggravating Role)
- ☐ § 3B1.2 (Mitigating Role)
- ☐ § 3B1.3 (Abuse of Position of Trust or Use of Special Skill)
- ☐ § 3B1.4 (Using a Minor To Commit a Crime)
- ☐ § 3B1.5 (Use of Body Armor in Drug Trafficking Crimes and Crimes of Violence)
- ☐ § 3C1.1 (Obstructing or Impeding the Administration of Justice)
- ☐ § 3C1.2 (Reckless Endangerment During Flight)
- ☐ § 3C1.3 (Commission of Offense While on Release)
- ☐ § 3C1.4 (False Registration of Domain Name)

Count 2: 18 U.S.C. § 2252  

What is the offense of conviction?

18 U.S.C. § 2252  (or, Child pornography )

Applying § 2G2.2 (Trafficking in Material Involving the Sexual Exploitation of a Minor; Receiving, Transporting, Shipping, or Advertising Material Involving the Sexual Exploitation of a Minor; Possessing Material Involving the Sexual Exploitation of a Minor with Intent to Traffic, Possessing Material Involving the Sexual Exploitation of a Minor)

Defendant is convicted of 18 U.S.C. § 1466A(b), § 2252(a)(4), or § 2252A(a)(5)?

☐ Yes

The defendant's conduct was limited to the receipt or solicitation of material involving the sexual exploitation of a minor; and the defendant did not intend to traffic in, or distribute, such material?

☐ Yes

The material involved a prepubescent minor or a minor who had not attained the age of 12 years?

☒ Yes

The offense involved distribution for pecuniary gain?

☐ Yes

The offense involved distribution to a minor that was intended to persuade, induce, entice, coerce, or facilitate the travel of, the minor to engage in prohibited sexual conduct?

☐ Yes

The offense involved distribution to a minor that was intended to persuade, induce, entice, or coerce the minor to engage in any illegal activity?

☐ Yes

The defendant distributed in exchange for any valuable consideration, but not for pecuniary gain?

☐ Yes

Offense involved distribution to a minor?

☐ Yes

Defendant knowingly engaged in distribution?

☒ Yes

The offense involved material that portrays (A) sadistic or masochistic conduct or other depictions of violence; or (B) sexual abuse or exploitation of an infant or toddler?

☒ Yes

The defendant engaged in a pattern of activity involving the sexual abuse or exploitation of a minor?

☐ Yes

The offense involved the use of a computer or an interactive computer service for the possession, transmission, receipt, or distribution of the material, or for accessing with intent to view the material?

☒ Yes

The number of images involved in the offense?

1200

## Adjustments as appropriate related to victim, role, and obstruction of justice

Which adjustment guidelines might apply to this count?

- ☐ § 3A1.1 (Hate Crime Motivation or Vulnerable Victim)
- ☐ § 3A1.2 (Official Victim)
- ☐ § 3A1.3 (Restraint of Victim)
- ☐ § 3A1.4 (Terrorism)
- ☐ § 3A1.5 (Serious Human Rights Offense)
- ☐ § 3B1.1 (Aggravating Role)
- ☐ § 3B1.2 (Mitigating Role)
- ☐ § 3B1.3 (Abuse of Position of Trust or Use of Special Skill)
- ☐ § 3B1.4 (Using a Minor To Commit a Crime)
- ☐ § 3B1.5 (Use of Body Armor in Drug Trafficking Crimes and Crimes of Violence)
- ☐ § 3C1.1 (Obstructing or Impeding the Administration of Justice)
- ☐ § 3C1.2 (Reckless Endangerment During Flight)
- ☐ § 3C1.3 (Commission of Offense While on Release)
- ☐ § 3C1.4 (False Registration of Domain Name)

## Multiple Counts

## Applying § 3D1.1 (Procedure for Determining Offense Level on Multiple Counts)

Group the counts resulting in conviction into distinct Groups of Closely Related Counts. All counts involving substantially the same harm shall be grouped together into a single Group. Counts involve

substantially the same harm within the meaning of this rule:

- a. When counts involve the same victim and the same act or transaction.
- b. When counts involve the same victim and two or more acts or transactions connected by a common criminal objective or constituting part of a common scheme or plan.
- c. When one of the counts embodies conduct that is treated as a specific offense characteristic in, or other adjustment to, the guideline applicable to another of the counts.
- d. When the offense level is determined largely on the basis of the total amount of harm or loss, the quantity of a substance involved, or some other measure of aggregate harm, or if the offense behavior is ongoing or continuous in nature and the offense guideline is written to cover such behavior.

**Group 1**

Count 1: 18 U.S.C. § 2251(a),(b)
 

Group 1 ▼

**Group 2**

Count 2: 18 U.S.C. § 2252
 

Group 2 ▼

▼
 

## Acceptance of Responsibility

Applying § 3E1.1 (Acceptance of Responsibility)

The defendant clearly demonstrates acceptance of responsibility for his offense?

☒ Yes

Government moves that the defendant has assisted authorities in the investigation or prosecution of his own misconduct by timely notifying authorities of his intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the court to allocate their resources efficiently?

☒ Yes

▼
 

## Criminal History

Applying § 4A1.1 (Criminal History Category)

What is the defendant's Criminal History Category?

I (0 or 1 points) ▼

▼
 

## Career Offender and Criminal Livelihood

Chapter 4B: Career Offenders and Criminal Livelihood

Which of the following provisions might apply to this defendant?

- ☐ § 4B1.1 (Career Offender)
- ☐ § 4B1.3 (Criminal Livelihood)
- ☐ § 4B1.4 (Armed Career Criminal)
- ☐ § 4B1.5 (Repeat and Dangerous Sex Offender Against Minors)

## News and Updates

Based on the [Nov. 1, 2018, United States Sentencing Commission Guidelines Manual](#)

By Josh Goldfoot (e-mail: [dev@sentencing.us](mailto:dev@sentencing.us)). Accuracy is not guaranteed. Error reports and suggestions are welcome. This is a personal project, not affiliated with any government agency or law firm. Do not ask me to apply the guidelines for you. This site does not provide legal advice. [Hire a lawyer](#) for legal advice. [Photo credit](#).